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EXAMINER

SAINDON, WILLIAM V

ART UNIT

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/520,943

Applicant(s)

FANO ET AL.

Examiner

WILLIAM V. SANDON

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/8/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39, 41-45, 47-68, 70-74, 76-97, 99-103, 105-107 and 123-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39, 41-45, 47-68, 70-74, 76-97, 99-103, 105-107 and 123-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following FINAL Office Action is in response to Applicant's submission received October 8, 2008. Claims 21-39, 41-45, 47-68, 70-74, 76-79, 81-91, 93-97, 99-103, 105-107, and 123-125 were amended. No claims were canceled or added. Therefore, claims 21-39, 41-45, 47-68, 70-74, 76-97, 99-103, 105-107, and 123-125 are pending.

Response to Amendment

2. The 35 USC § 101 rejection of claims 21-39, 41-45, 47-49, and 123 is not withdrawn in light of Applicant's amendment. Applicant has added various extra-solution computer activities to the method steps, which do not serve to tie the claims to a particular machine. Data input/output is clearly extra-solution. Further, the preamble does not serve to limit any particular step to computer implementation. Therefore, the claims are non-statutory.
3. The 35 USC § 101 rejection of claims 50-68, 70-78, and 124 is withdrawn in light of Applicant's amendment. Applicant has removed the unsupported "means for" language, rendering the claim a system with the specified hardware components.
4. The 35 USC § 112 ¶ 2 rejection of claims 50-68, 70-97, 99-103, 105-105, 124, and 125 is withdrawn in light of Applicant's amendments. Applicant has removed the unsupported "means for" language.

Response to Arguments

5. The 35 USC § 112 ¶ 1 rejection for lack of written description of claims 21-39, 41-45, 47-68, 70-97, 99-103, 105-107, and 123-125 is not withdrawn in light of Applicant's arguments.

Applicant argues that the added limitation in step (g) (see e.g. claim 21): "an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of one or more of the other goals," is supported by page 31, lines 4-24, and Figs. 7 & 8. First, Figures 7 and 8 are solid blocks of black and are completely illegible. Second, page 31 merely talks about a relationship between quality and time for a single goal, not multiple goals. At no point does the specification describe the added limitation, and Applicant has failed to point out any place in the specification providing support. The rejection remains.

Applicant argues that the specification at page 27, lines 26-27 and page 28, line 27 through page 29, line 2 supports: "generating a profile of the user based on [various information]" (see e.g. claim 123). However, at page 27 merely states: "a profile is then generated on the user based on the adjusted preferences and the personal Information of the user." This passage does not convey possession of a profile generation device, it merely states that one is considered. Note the lack of any information as to how the input information (preferences, personal info.) are converted to a profile. Further, page 28-9 merely list various personal information. No description as to how this data goes from information to profile is presented. Figure 5 does not talk about profiles whatsoever.

Applicant claims generating a profile based on information, but only has support for what the information is. At no point does the specification describe generating a profile based on information. Therefore, the rejection remains.

6. The 35 USC § 102(e) rejection of claims 21-27, 50-56, 79-85, and 123-125 as anticipated by Jones et al. (US 6,021,397) is not withdrawn in light of Applicant's argument. Applicant's argument is that Jones does not teach step (g) of claim 21, for example. Arguments at 29.

Step (g), in pertinent part, reads:

Displaying a plurality of images, each image a goal.

Altering the appearance of 1+ image/goal.

Wherein the alteration is because of an inverse relationship between time or quality of the adjusted goal and the time or quality of another goal(s).

Jones is clearly dealing with a plurality of goals (see col. 4, lines 27-33; col. 5, lines 56-60; col. 6, lines 20-23 and 35-39, in the form of explicit goals, risk levels, and other desires).

Jones clearly displays outputs graphically (see col. 6, lines 3-13 and 50-55; col. 8, lines 1-5, noting the user adjusts via a computer interface various goals in the forms of risk levels, savings rates, and retirement ages).

Jones clearly considers adjusting these goals (see col. 6, lines 50-55).

Note that as a user manipulates the computer interface (described in col. 7, lines 13-60), the user manipulates images of the goals. The user cannot manipulate the goals physically because computer images do not physically exist. As a user adjusts

one goal other goals are affected graphically. For example, a sooner adjustment of retirement age will graphically be depicted by a downward adjustment in funds. Both retirement age and funds maximization are goals. They are inversely related because sooner retirement lessens fund maximization. Or, if the maximization of funds goal leads to a large loss, then another goal may be affected. See col. 19, lines 17-32. In Jones, the goals are linked such that one affects the other. See col. 11, lines 15-52; col. 10, lines 54-67; col. 6, lines 3-50 and 50-58. All of this information is presented to the user. Therefore, it is clear Jones discloses the graphical depiction of tradeoffs claimed.

7. Applicant's arguments regarding 35 USC § 103 on pages 30-31 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

8. Applicant's arguments regarding *res judicata* on pages 22-23 are not found persuasive. Applicant does not dispute that claims 25-27 are *res judicata*, but instead argues that the "roll-up" of certain elements from claims 25-27 constitutes a "difference in claims." The Examiner respectfully disagrees. The so-called difference is that only a portion of claims 25-27 were rolled up. However, these portions are necessarily broader in scope than the dependent claims. If *res judicata* applies to a narrow element, it automatically applies to a broader version of itself. The narrow element always anticipates the broader version of itself. Therefore, Applicant's arguments are not found persuasive.

Claim Rejections - 35 USC § 101

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. **Claims 21-39, 41-45, 47-49, and 123 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.** The steps recited do not qualify as a statutory process. In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

The claims are not tied to another statutory class. The steps recited either do not require a particular apparatus (e.g. a particular computer), or only mention a nominal recitation of a computer (e.g. claims 31 or 32, using the internet to transmit data). Therefore, the claims are non-statutory.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. **Claims 21-39, 41-45, 47-68, 69-97, 99-103, 105-107, and 123-125 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

As to claims 21, 50, and 79, Applicant added in (g) that there is "an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of one or more of the other goals." The specification does not appear to provide any support for passage, nor has Applicant attempted to point where the claim is supported.

As to claims 123-125, Applicant has added "generating a profile of the user based on the adjusted user preferences and personal information of the user...." However, the specification does not appear to provide any support for passage, nor has Applicant attempted to point where the claim is supported.

Claim Rejections - 35 USC § 102

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 21-27, 50-56, 79-85, and 123-125 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (U.S. 6,021,397).

As per claim 21, Jones et al. teaches a method for enabling users to make decisions by modeling tradeoffs between a plurality personal goals comprising:

(a) receiving information at a computing device from a user including information related to cash flow of a user (See column 5, lines 50-67, wherein personal information about the user is obtained included information about the user's cash flow);

(b) graphically presenting to the user via a display device a plurality of goals based on the information provided from the user, wherein the plurality of goals are related to the cash flow of the user (See column 2, lines 48-64, column 3, lines 40-67, column 4, lines 10-34, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the plurality of goals are presented to the user. These goals include savings goals, retirement goals, financial plans (buying a house, sending a child to school), etc.);

(c) allowing the user to select at least one goal from a plurality of goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can select at least one goal and iteratively adjust preferences related to the goals);

(d) presenting to the user via the display device a plurality of the user preferences for each selected goal, the user preferences including for each selected goal an adjustable time indicia and an adjustable quality indicia, wherein the adjustable time indicia denotes a time when the user prefers to achieve the goal and the adjustable quality indicia denotes the quality of the goal preferred by the user (See column 4, lines 5-35, and column 6, lines 3-35 and 50-58, wherein the user is presented preferences

including ones that indicate the time related to a goal of the user and indicate the quality related to a goal of the user);

(e) allowing the user to make an adjustment to user preferences related to one of the selected goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can iteratively adjust preferences related to the goals, such as the savings rate, ages of retirement, quality of retirement, etc. The goal is the item and the preferences its settings);

(f) determining an impact of the adjustment on attaining the remaining goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the system analyzes the effects of the changes on the other goals and preferences in the portfolio);

(g) graphically presenting to the user via the display device the impact of the adjustment on attaining the plurality of goals by again presenting simultaneously the plurality of goals as adjusted, wherein graphically presenting the impact of the adjustment comprises displaying a plurality of images, each representing a goal, and altering the appearance of at least one of the images to reflect an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of one or more of the other goals (See at least column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can see the effects of the

iterative changes; column 10, lines 54-67 and col. 11, lines 15-20, noting the portfolio optimization module takes into account multiple goals in real time).

As per claim 22, Jones et al. teaches a method wherein the goals are interrelated financial goals (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 23, Jones et al. teaches a method wherein the goals include expenditures for at least one of a home, a vehicle, planned monthly allowance and savings, planned furniture expenses, planned appliance purchases, a vacations, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 24, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user via the display device an adjustable priority indicia for adjusting preferences related to the selected goal, wherein the priority indicia adjusts the level of priority of achieving the selected goal as related to other goals (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the priorities related to a goal of the user);

(b) allowing the user to make an adjustment to the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these priority parameters can be adjusted by the user);

(c) adjusting the level of priority of achieving the selected goal responsive to the user's adjustment of the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 25, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user via the display device an adjustable time indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the time related to a goal of the user);

(b) allowing the user to make an adjustment to the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user); and

(c) adjusting the amount of time expected for achieving the selected goal responsive to the user's adjustment of the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 26, Jones et al. discloses wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user via the display device an adjustable quality indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the quality related to a goal of the user);

(b) allowing the user to make an adjustment to the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the quality of the selected goal responsive to the user's adjustment of the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 27, Jones et al. wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user via the display device an adjustable indicia of favoritism between time and quality for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the relationship between time and quality related to a goal of the user);

(b) allowing the user to make an adjustment to the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the favoritism between time and quality of the selected goal responsive to the user's adjustment of the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

Claims 50-56 recite equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

Claims 79-85 contain equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

As to claims 123-125, Jones et al. discloses a profile of the user based on the adjusted user preferences and personal information of the user, wherein the personal information of the user includes information relating to one or more of the age of the user (See column 5, lines 52-67, noting a profile is generated for each person, the profile including age).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 28-39, 41-45, 47-49, 57-68, 70-78, 86-97, 99-103, and 105-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (U.S. 6,021,397).

As per claim 28, Jones et al. teaches a method further comprising:

creating a user profile for facilitating targeted presentation based on the user information, user goals and adjusted preferences (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user profile is created for a user which stores the options and products available to the user, the user information, the goal of the user, and the stored preferences of the user in attaining the goal). However, Jones et al. does not expressly disclose targeted advertising based on the user profile.

Jones et al. discloses a tool that displays to a user options (mutual funds, 401(k) programs, etc.) available to user when planning for achievement of a goal and stores these available options in the profile of the user along with the goal and selections of the user. Using the profile of a user for marketing purposes in order increase the accuracy of presenting and tailoring ads to users to increase sales is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to present tailored advertisements to the user with a stored profile of Jones et al. in order to increase the accuracy of displaying ads to users to which the options of the ad are available. Jones et al. discusses the importance of presenting a user with products attainable to the user in column 4, lines 7-15.

As per claim 29, Jones et al. teaches a method further comprising:

creating at least one offering targeted to the user profile for achieving the goal (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal).

As per claim 30, Jones et al. teaches a method further comprising:

transmitting the at least one targeted offering to the user (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives

the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 31, Jones et al. teaches wherein the transmission of the matched offering to the user is done using a computer network (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, column 6, lines 40-50, and column 7, lines 13-30 and 50-60, wherein the transmission is done using a computer network).

As per claim 32, Jones et al. teaches wherein the network is the Internet (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, and column 7, lines 13-30 and 50-60, wherein the network is the Internet).

As per claim 33, Jones et al. teaches a method further comprising:
using the user profile information as market intelligence (See at least figures 6 and 7, column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, column 7, lines 5-10, column 10, lines 54-67, and column 13, lines 44-50, column 16, lines 10-25, wherein a profile is maintained for the user and this profile is used with market knowledge (historical information, current information, etc.) to simulate the portfolio of the user).

As per claim 34, Jones et al. teaches wherein the targeted offering is a financial instrument (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different financial products, in order to achieve the goal.

Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 35, Jones et al. teaches a method further comprising:

providing a user a suggested targeted offering and allowing a user to change a preference related to attaining one or more of the goals (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user. See also at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, column 7, lines 5-10, and column 10, lines 54-67, wherein the user is allowed to change preferences in the portfolio related to attaining a goal). However, Jones et al. does not expressly disclose notifying at least one provider of the matched offering when the user changes these preferences.

Jones et al. teaches a tool wherein the user can edit the preferences and options stored in his/her portfolio, said portfolio representing a plan to achieve a goal or goals. These preferences and options are mutual funds, IRA's, 401(k) programs, etc. which are available to the user and provided via an employer, for example. It is old and well known that employees enroll in the programs for these products, which are supplied by a provider, and that employees have the ability to un-enroll in products. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

notify a provider of the product of Jones et al. (such as a mutual fund) if a user is no longer utilizing said product in order to more efficiently communicate with providers so that they have accurate information about who is and who is not using their products.

As per claim 36, Jones et al. teaches a method wherein the offering includes at least one of a product and a service (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein an offering for the portfolio is presented to the user based on the user's profile, the goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user).

As per claim 37, Jones et al. teaches a method wherein the goals include at least one of a home, a vehicle, planned monthly allowance and savings, planned future expenses, planned appliance purchases, a vacation, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 38, Jones et al. teaches a method wherein the matched offering with different financial products is displayed to the user, the content displayed being derived from the proposed goals designated by the user (See at least column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a targeted offering or presentation is provided to the user based on the user's profile, the

goal specified, and the options available for the user. For example, the system gives the user a tailored suggestion, such as rebalancing the portfolio with different products, in order to achieve the goal. Furthermore, the matched offering of a 401(k) program is in the offering presented the user). However, Jones et al. does not expressly disclose that this display is a banner advertisement.

Jones et al. discloses a tool that displays to a user options (mutual funds, 401(k) programs, etc.) available to user when planning for achievement of a goal and stores these available options in the profile of the user along with the goal and selections of the user. Using the profile of a user for marketing purposes in order increase the accuracy of presenting and tailoring ads to users to increase sales is old and well known in the art. Furthermore, banner ads are a well known ad type in the network marketing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to present tailored advertisements using banner ads to the user of Jones et al. in order to increase the accuracy of displaying ads to users to which the options of the ad are available. Jones et al. discusses the importance of presenting a user with products attainable to the user in column 4, lines 7-15.

As per claim 39, Jones et al. teaches a method further comprising:

storing the targeted offering in a database (See at least figure 1 and column 5, lines 34-41, which discusses the database).

As per claim 41, Jones et al. teaches wherein each of the goals has a range of options, which can be further selected by the user, the method further comprising:

(a) displaying via the display device at least one provided option corresponding to a selected goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option provided the user by the user's company is displayed to the user with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select a preferred option (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user);

(c) allowing the user to select at least one option provided by the company (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company); and

(d) allowing the user to add the selected option to the range of options for the goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio of assorted other options used to attain the goal of the user. These options available and the chosen options are stored with the user's profile).

However, Jones et al. does not expressly disclose displaying at least one provider or allowing the user to select the provider of the provided option.

Jones et al. discloses a system that displays to a user available options (mutual funds, 401(k) programs, etc.) and allows the user to select the options he/she wants in an effort to obtain a goal of the user (for example, retirement income). The system

stores these available options in the profile of the user. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different options within the same product. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses the provider) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user.

As per claim 42, Jones et al. discloses a method wherein each option has a range of features, further comprising:

(a) displaying via the display device the range of options for a goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option provided by the user's company is displayed with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select one of the options based on the adjusted preference (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and

column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user);

(c) allowing the user to select at least one option provided by the company (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company)

(f) allowing the user to select at least one feature provided by the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc. for the options);

(g) allowing the user to add the selected feature to the range of features corresponding to the selected option (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select features of options and options to add to the portfolio of assorted other features and options used to attain the goal of the user. These features and options available and those chosen are stored with the user's profile).

However, Jones et al. does not expressly disclose providers of the provided options, displaying via the display device at least one provider of the provided options, or allowing the user to select a provider of the provided options.

Jones et al. discloses a system that displays to a user available options (mutual funds, 401(k) programs, etc.) and allows the user to select the options and features he/she wants in an effort to obtain a goal. The system stores these available options in

the profile of the user. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different options within the same product. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) and allowing the user to select a provider in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user. See column 4, lines 5-15, which discusses the importance of presenting a user with his/her available options.

As per claim 43, Jones et al. teaches wherein a list containing a plurality of provided options is displayed and the selected provided option is selected from the list of provided options (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user, these options provided by his/her company). However, Jones et al. does not expressly disclose the provider for the provided options listed.

Jones et al. discloses a system that displays to a user financial options (mutual funds, 401(k) programs, etc.) provided the user and allows the user to select the options he/she wants in an effort to obtain a goal of the user (for example, retirement income). Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different mutual fund options. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees of a company, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies compete to provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user.

As per claim 44, Jones et al. teaches wherein the at least one option includes a plurality of features, the method further comprising:

(a) presenting to the user the plurality of features (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc.);

(b) allowing the user to select at least one of the plurality of features for the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user sets these features based on the selected options).

As per claim 45, Jones et al. teaches a method further comprising:

utilizing the network to display information relating to the provided option (See at least figure 1, column 4, lines 60-67, column 5, lines 20-50, column 6, lines 2-30 and 40-50, and column 7, lines 13-30 and 50-60, wherein the transmission and display of information is done using a computer network). However, Jones et al. does not expressly disclose displaying the provider of the option.

Jones et al. discloses a system that displays to a user financial options (mutual funds, 401(k) programs, etc.) provided the user by the company for which the user works and allows the user to select the options he/she wants. Jones et al. further discusses in column 6, lines 60-65, that a new mutual fund may be added to the user's list of options, thus showing the availability of different mutual fund options. It is old and well known in the art that mutual funds, 401(k) programs, and health benefits are provided to employees, the employees being presented with multiple providers and having the ability to choose between the different providers as to what options work best for them (for example, an employee may be offered health insurance from Blue Cross Blue Shield, Aetna, etc. and he/she chooses) and it is also well known that multiple companies provide products such as mutual funds, etc. (or in other words mutual funds are available through a provider). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to include presenting the providers that provide the options of Jones et al. (such as for the different mutual funds discussed) in order to increase the accuracy of planning for the goals of the user by accurately presenting all the options available to the user. See column 4, lines 5-15.

As per claim 47, Jones et al. teaches a method further comprising:

(a) presenting the user at least one option provided the user (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein at least one option provided the user by the user's company is displayed to the user with respect to a goal of a user (such as retirement savings));

(b) allowing the user to select a provided option, the selected option can be employed to attain the goal, and take the impact of said option into account on the goal (See column 5, lines 50-65, column 6, lines 7-13, 20-37, and 60-65, and column 7, lines 5-10, wherein a user can select options to add to the portfolio used to attain the goal of the user. These options are used when simulating the situation of the user).

However, Jones et al. does not expressly disclose that this provided option is insurance that can be employed to attain the goal.

Jones et al. discloses a tool that takes into account a user's cash flow when planning for a goal. It is well known that insurance is a required expense that is accounted for when accurately analyzing a person's cash flow. Jones et al. discusses goals like buying a house, such goals requiring the expense of insurance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include insurance options and the cost of the selection of insurance in the cash flow

picture of the user of Jones et al. in order to more accurately plan for a user's goals by encompassing all of the user's financial obligations.

As per claim 48, Jones et al. teaches a method further comprising:

displaying features of the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is presented with features such as risk tolerance, savings rates, etc.).

As per claim 49, Jones et al. teaches a method further comprising:

(a) presenting to the user an indicia of desirability for the selected option (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the program simulates the selected options to diagnose the portfolio versus the goal. The user is presented with an indication of the advantages of the selected options of the portfolio); and

(b) allowing the user to adjust the desirability for the selected option to reflect the user's desire for obtaining the selected option by the adjusting of the indicia of desirability (See column 5, lines 50-65, column 6, lines 7-13, 15-45, and 60-65, and column 7, lines 5-10, wherein the user is allowed to adjust the desirability to the user for the selected option).

Claims 57-68, and 70-78 recite equivalent limitations to claims 28-49, respectively, and are therefore rejected using the same art and rationale applied above.

Claims 86-97, 99-103, and 105-107 contain equivalent limitations to claims 28-49, and are therefore rejected using the same art and rationale applied above.

17. Claims 21-27, 50-56, 79-85, and 123-125 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (U.S. 6,021,397).

As per claim 21, Jones et al. teaches a method for enabling users to make decisions by modeling tradeoffs between a plurality personal goals comprising:

(a) receiving information from a user including information related to cash flow of a user (See column 5, lines 50-67, wherein personal information about the user is obtained included information about the user's cash flow);

(b) graphically presenting to the user a plurality of goals based on the information provided from the user, wherein the plurality of goals are related to the cash flow of the user (See column 2, lines 48-64, column 3, lines 40-67, column 4, lines 10-34, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the plurality of goals are presented to the user. These goals include savings goals, retirement goals, financial plans (buying a house, sending a child to school), etc.);

(c) allowing the user to select at least one goal from a plurality of goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can select at least one goal and iteratively adjust preferences related to the goals);

(d) presenting to the user a plurality of the user preferences for each selected goal, the user preferences including for each selected goal an adjustable time indicia and an adjustable quality indicia, wherein the adjustable time indicia denotes a time when the user prefers to achieve the goal and the adjustable quality indicia denotes the

quality of the goal preferred by the user (See column 4, lines 5-35, and column 6, lines 3-35 and 50-58, wherein the user is presented preferences including ones that indicate the time related to a goal of the user and indicate the quality related to a goal of the user);

(e) allowing the user to make an adjustment to user preferences related to one of the selected goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the user can iteratively adjust preferences related to the goals, such as the savings rate, ages of retirement, quality of retirement, etc. The goal is the item and the preferences its settings);

(f) determining an impact of the adjustment on attaining the remaining goals (See column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and column 8, lines 1-20, wherein the system analyzes the effects of the changes on the other goals and preferences in the portfolio);

(g) graphically presenting to the user the impact of the adjustment on attaining the plurality of goals by again presenting simultaneously the plurality of goals as adjusted, wherein graphically presenting the impact of the adjustment comprises displaying a plurality of images, each representing a goal, and altering the appearance of at least one of the images to reflect an inverse relationship between the time indicia or the quality indicia of the adjusted goal and the time indicia or the quality indicia of one or more of the other goals (See at least column 2, lines 48-64, column 3, lines 40-67, column 5, lines 50-67, column 6, lines 3-40 and 50-58, column 7, lines 63-67, and

column 8, lines 1-20, wherein the user can see the effects of the iterative changes;
column 10, lines 54-67 and col. 11, lines 15-20, noting the portfolio optimization module takes into account multiple goals in real time).

As per claim 22, Jones et al. teaches a method wherein the goals are interrelated financial goals (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 23, Jones et al. teaches a method wherein the goals include expenditures for at least one of a home, a vehicle, planned monthly allowance and savings, planned furniture expenses, planned appliance purchases, a vacations, children's education, and retirement home (See column 4, lines 10-34, and column 6, lines 13-40 and 50-58, wherein the goals include at least home, monthly allowances and savings, children's education, retirement, etc.).

As per claim 24, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable priority indicia for adjusting preferences related to the selected goal, wherein the priority indicia adjusts the level of priority of achieving the selected goal as related to other goals (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the priorities related to a goal of the user);

(b) allowing the user to make an adjustment to the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these priority parameters can be adjusted by the user);

(c) adjusting the level of priority of achieving the selected goal responsive to the user's adjustment of the priority indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 25, Jones et al. teaches wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable time indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the time related to a goal of the user);

(b) allowing the user to make an adjustment to the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the amount of time expected for achieving the selected goal responsive to the user's adjustment of the time indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 26, Jones et al. discloses wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable quality indicia for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the quality related to a goal of the user);

(b) allowing the user to make an adjustment to the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the quality of the selected goal responsive to the user's adjustment of the quality indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

As per claim 27, Jones et al. wherein the step of allowing the user to make an adjustment further comprises:

(a) presenting to the user an adjustable indicia of favoritism between time and quality for the selected goal (See column 4, lines 5-35, and column 6, lines 3-35, wherein the user is presented adjustable parameters that indicate the relationship between time and quality related to a goal of the user);

(b) allowing the user to make an adjustment to the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein these parameters can be adjusted by the user);

(c) adjusting the favoritism between time and quality of the selected goal responsive to the user's adjustment of the favoritism indicia (See column 4, lines 5-35, and column 6, lines 3-35, wherein the profile and display are adjusted).

Claims 50-56 recite equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

Claims 79-85 contain equivalent limitations to claims 21-27, respectively, and are therefore rejected using the same art and rationale applied above.

As to claims 123-125, Jones et al. discloses a profile of the user based on the adjusted user preferences and personal information of the user, wherein the personal information of the user includes information relating to one or more of the age of the user (See column 5, lines 52-67, noting a profile is generated for each person, the profile including age).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM V. SAINDON whose telephone number is (571)270-3026. The examiner can normally be reached on M-F 7:30-5; alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/wvs/

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623